

9417744

Record of Communication  
10/27/87 - 9:00 A.M.

Meeting Regarding Lincoln Properties (TXD981155971)

In Attendance: David Gonzalez (6H-ES)  
Martha McKee (6H-ES)  
Robin Gelston-Walls (6H-SS)  
Seth Low (6ORC)  
Mark Wallis - Lincoln Properties  
Bruce Heiberg - Metropolitan Life  
Steve Drenner - Jenkins & Gilchrist  
Kevin Fleming - Lincoln Properties  
Robert Wallace - Radian  
Bill Hickey - Lincoln Properties  
Greg Bonifield - Metropolitan Life  
Robert Bonanno - Metropolitan Life  
Ernest E. Specks - Johnson, Bromberg & Leads  
Robert Pearce - Law Engineering  
Don Mott - Metropolitan Life

SUPERFUND  
FILE

FEB 12 1993

REORGANIZED

A meeting was held with Lincoln Properties and Metropolitan Life regarding potential CERCLA liability at the Lincoln Properties site in response to a request from Metropolitan Life and their consultant, Law Engineering. During the meeting, Martha McKee (6H-ES) explained that EPA had become interested in systematically investigating town gas facilities in 1985. Coincidentally, during that same period of time, Lincoln Properties discovered the town gas facility at 100 Congress Avenue in Austin, Texas.

She further explained that Superfund consisted of a remedial program and a removal program. The remedial program deals with long-term clean-up while the removal program deals with mitigating "substantial and eminent" threats to human health and the environment. EPA does not feel that this site qualifies for the remedial program due to the lack of "targets" or people within a 3 mile radius who are dependent on either surface or ground water. However, there is a possibility that the site may qualify for the removal program if there is a significant release of hazardous constituents to the atmosphere.

Seth Low (6ORC) explained that in the absense of responsible parties, property owners are liable for hazardous substances present on the property. He went on to explain that there were some provisions to protect "innocent" landowners under the Superfund Amendments and Reauthorization Act (SARA).

Lincoln Properties asked whether the detection limits used for formaldehyde and phenol were correct. David Gonzalez (6H-ES) explained that the method detection limit for phenol is 1.5 ug/l. Although, a final MDL for formaldehyde has not been promulgated, EPA's Houston Lab reports that a limit of 10 ug/l is currently being used.

Lincoln Properties also inquired whether EPA would take action regarding any violations of their permit to discharge into the Austin sewage system. Robin Gelston-Walls (6H-SS) explained that the City of Austin had a NPDES permit with EPA and as long as

the city of Austin did not violate their permit, no action would be taken. If the permit was violated, any enforcement action taken would be directed at the City of Austin. Any agreement regarding discharge limits was strictly between Lincoln properties and the City of Austin.

Lincoln Properties inquired about potential Liability regarding incomplete removal. They felt that portions of the main body of coal tar had migrated beyond the property which Lincoln Properties owned. Seth Low indicated that current property owners were liable as well as future property owners. He suggested that a statement regarding the presence of the coal tar could be added to the property deed. Martha McKee further added that EPA had agreed for the Texas Dept. of Health (TDH) to take the lead at this site.

Lincoln Properties indicated that they were planning a removal at this site coinciding with construction activities which are tentatively set for 1992. The closure plan has been approved by the TDH. Martha McKee suggested that they conduct the removal cautiously so that an imminent and substantial endangerment is not created. She also stressed the importance of worker safety and indicated that EPA was interested in seeing a copy of the closure plan. Lincoln Properties indicated that they would like a written response to their inquiries.